

**Introduced by Senator Walters**

February 22, 2013

---

An act to amend Section 31678.3 of the Government Code, relating to retirement.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 539, as introduced, Walters. Retirement benefit formulas: Orange County.

The County Employees Retirement Law of 1937 authorizes counties and districts, as defined, to provide retirement benefits to their employees pursuant to its provisions.

The law authorizes the board of supervisors or the governing body of a district in Orange County, by resolution adopted by majority vote and made pursuant to a memorandum of understanding, as specified, to make certain formulas for the calculation of benefits for general or safety members applicable to the employees of a bargaining unit comprised of general members, safety members, or employees of the Probation Services Unit and Probation Supervisory Management Unit, as specified. The law also requires the affected members, subject to certain conditions, to pay some or all of those additional contributions, as specified.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31678.3 of the Government Code is amended to read:

31678.3. (a) Notwithstanding any other provision of this chapter, a resolution adopted by a board of supervisors to make any formula for calculation of retirement benefits described in this section applicable to the employees of the county does not apply to make that formula applicable to the employees of any district within the county. The governing body of a district may elect, by resolution adopted by majority vote, to make any formula for calculation of retirement benefits described in this section applicable to the employees of the district irrespective of whether the board of supervisors has made that election with respect to employees of the county.

(b) Notwithstanding any other provision of this chapter, the board of supervisors or the governing body of a district may, by resolution adopted by majority vote, pursuant to a memorandum of understanding made under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 2), do any or all of the following:

(1) Apply Section 31621.8, 31676.17, 31676.18, or 31676.19 for the calculation of retirement benefits for general members to the employees in a bargaining unit comprised of general members.

(2) Apply Section 31664.1 for the calculation of retirement benefits for safety members to the employees in a bargaining unit comprised of safety members.

(3) Apply Section 31664 for the calculation of retirement benefits for safety members to the employees of the Probation Services Unit and the Probation Supervisory Management Unit.

(c) Any nonrepresented employees within similar job classifications as employees in a bargaining unit described in subdivision (b) or supervisors and managers thereof shall be subject to the same formula for the calculation of retirement benefits applicable to the employees in that bargaining unit.

(d) A resolution adopted pursuant to subdivision (b) may require members to pay a portion of the contributions attributable to past service liability, that would have been required if the benefits specified in the resolution, as adopted by the board of supervisors or the governing body of the district, had been in effect during the

1 period of time designated in the resolution. Any payments required  
2 of represented employees shall first be approved in a memorandum  
3 of understanding made under the Meyers-Milias-Brown Act and  
4 executed by the board of supervisors or the governing body of the  
5 district and the employee representatives. The contributions paid  
6 by a member pursuant to this subdivision shall become part of the  
7 accumulated contributions of the member.

8 (e) This section shall only ~~be applicable~~ *apply* to members who  
9 retire on or after the effective date of the resolution described in  
10 subdivision (b).

11 (f) The board of supervisors or the governing body of a district  
12 may not unilaterally implement a retirement formula for any of its  
13 bargaining units.

14 (g) This section shall apply only in Orange County.

O